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IAP12 Rec'd PCT/PTO 20 MAR 2007

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/018,638-Conf. #5196

Filing Date July 15, 2002

First Named Inventor Martin Matthew MATZUK

Art Unit 1636

Examiner Name C. X. Qian

Attorney Docket Number MTN-029USRCE

ENCLOSURES (Check all that apply)☒ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/Incomplete Application☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

Submission and Itemization of Deficiency Payment in Accordance with 37 C.F.R. § 1.28(c); Appendix A; Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name LAHIVE & COCKFIELD, LLP

Signature

Printed name Jeanne M. DiGiorgio

Date March 20, 2007

Reg. No. 41,710

Express Mail Label No. EV 957 673 162 US Dated: March 20, 2007

Docket No.: MTN-029USRCE
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Martin Matthew Matzuk *et al.*

Application No.: 10/018,638

Confirmation No.: 5196

Filed: July 15, 2002

Art Unit: 1636

For: GROWTH DIFFERENTIATION FACTOR-9
REGULATORY SEQUENCES AND USES
THEREFOR

Examiner: C. X. Qian

**SUBMISSION AND ITEMIZATION OF DEFICIENCY PAYMENT IN
ACCORDANCE WITH 37 C.F.R. § 1.28(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. 1.28(c), Applicants assert that payments were made in error during the prosecution of the above-identified application. Specifically, as indicated at Line Nos. 1-7, 11 and 12 of the following itemization of payments made during prosecution, Applicants erroneously paid small entity fees when filing the above-identified application and upon the submission of a Request for Continued Examination. Accordingly, Applicants herewith submit a deficiency payment. Furthermore, it is respectfully requested that the above-identified patent application be deemed a large entity.

03/22/2007 AWONDAF1 00000003 120000 10018638
01 FC:1453 860.00 DA 640.00 OP
02 FC:1801 790.00 DA
03 FC:1253 1020.00 DA
04 FC:1251 120.00 DA

ITEMIZATION OF PAYMENTS MADE IN ERROR*

Line No.	Type of Fee	Mailroom Date	Accounting Date	Fee Code	Fee Amount	Current Fee	Deficiency Payment Owed
1	Petition to revive unintentionally abandoned application	12/19/2001	12/31/2001	241	\$640	\$1,500	\$860
2	Basic National Fee	12/19/2001	12/31/2001	971	\$445	\$900	\$455
3	Oath or declaration after twenty or thirty months from priority date	12/19/2001	12/31/2001	254	\$65	\$130	\$65
4	Claims in excess of twenty (11)	12/19/2001	12/31/2001	967	\$99	\$550	\$451
5	Independent claims in excess of three (4)	12/19/2001	12/31/2001	965	\$168	\$800	\$632
6	Multiple dependent claim	12/19/2001	12/31/2001	969	\$140	\$360	\$220
7	Extension for response within first month	07/15/2002	07/19/2002	215	\$55	\$120	\$65
8	Assignment Recordation	07/22/2002	07/23/2002	581	\$40	\$40	N/A
9	Extension for response within third month	04/04/2005	04/07/2005	1253	\$1,020	\$1,020	N/A
10	Submission of an Information Disclosure Statement	06/24/2005	07/05/2005	1806	\$180	\$180	N/A
11	Extension for response within third month	12/27/2005	12/30/2005	2253	\$510	\$1,020	\$510
12	Request for continued examination	12/27/2005	12/30/2005	2801	\$395	\$790	\$395
13	Extension for response within third month	08/10/2006	08/14/2006	1253	\$1,020	\$1,020	N/A
TOTAL DUE					\$4,777	\$8,430	\$3,653

*Please note that this Itemization corresponds to the "Fee History Query" forwarded by the Revenue and Accounting Management Department of the United States Patent and Trademark Office; a copy of which is attached herewith as Appendix A.


CONCLUSION

As indicated above, Applicants owe a deficiency payment of \$3,653.00 for payments made in error during the course of prosecution. The Director is hereby authorized to charge \$3,653.00 to Deposit Account No. 12-0080 under Order No. MTN-029USRCE from which the undersigned is authorized to withdraw.

Should the Director have any questions or concerns, the Director is invited to call the undersigned.

Dated: March 20, 2007

Respectfully submitted,

By 
Jeanne M. DiGiorgio
Registration No.: 41,710
LAHIVE & COCKFIELD, LLP
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Boston, Massachusetts 02109-2127
(617) 227-7400
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Attorney/Agent For Applicant



PTO/SB/17 (07-06)
Approved for use through 01/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL For FY 2006 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Complete if Known			
		Application Number	10/018,638-Conf. #5196		
		Filing Date	July 15, 2002		
		First Named Inventor	Martin Matthew MATZUK		
		Examiner Name	C. X. Qian		
TOTAL AMOUNT OF PAYMENT		(\$)	3,653.00	Art Unit	1636
				Attorney Docket No.	MTN-029USRCE

METHOD OF PAYMENT (check all that apply)	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account	Deposit Account Number: 12-0080
Deposit Account Name: Lahive & Cockfield, LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fees Paid (\$)
		Fee (\$)		Fee (\$)		Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
						Small Entity	
Fee Description						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
- 20 =		x	=		Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 =		x	=				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)		
- 100 =	/50	(round up to a whole number) x		=			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): See attached Itemization of Deficiency Payment						3,653.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	41,710
Name (Print/Type)	Jeanne M. DiGiorgio	Telephone	(617) 227-7400
		Date	March 20, 2007



RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10018638

Total Records Found: 13

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/14/2006	00000063	1	1253	\$1,020.00	08/10/2006	DA 120080
12/30/2005	00000065	1	2801	\$395.00	12/27/2005	DA 120080
12/30/2005	00000066	1	2253	\$510.00	12/27/2005	DA 120080
07/05/2005	00000005	1	1806	\$180.00	06/24/2005	DA 120080
04/07/2005	00000021	1	1253	\$1,020.00	04/04/2005	DA 120080
07/23/2002	00000155	1	581	\$40.00	07/22/2002	DA 120080
07/19/2002	00000217	1	215	\$55.00	07/15/2002	DA 120080
12/31/2001	00000202	1	271	\$445.00	12/19/2001	CK
12/31/2001	00000203	1	254	\$65.00	12/19/2001	CK
12/31/2001	00000204	1	267	\$99.00	12/19/2001	CK
12/31/2001	00000205	1	265	\$168.00	12/19/2001	CK
12/31/2001	00000206	1	262	\$140.00	12/19/2001	CK
12/31/2001	00000207	1	241	\$640.00	12/19/2001	CK